

1 BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

2 IN MEDICINE AND SURGERY

3
4 IN THE MATTER OF

5 **JOHN DUMBOLTON, D.O.**

6 Holder of License No. 3568

7 For the Practice of osteopathic medicine
8 in the State of Arizona,

Respondent.

Case No. DO-14-0301A

**CONSENT AGREEMENT, FINDINGS
OF FACT, CONCLUSIONS OF LAW
AND ORDER FOR PRACTICE
RESTRICTION**

9
10 CONSENT AGREEMENT

11 By mutual agreement and understanding between the Arizona Board of Osteopathic
12 Examiners in Medicine and Surgery ("Board") and John Dumbolton, D.O. ("Respondent"), the
13 parties agree to the following disposition of this matter.

14 1. Respondent has read and understands this Consent Agreement, stipulated Findings
15 of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that
16 he understands he has the right to consult with legal counsel regarding this matter and has done
17 so or chooses not to do so.

18 2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any
19 rights to a hearing or judicial review in state or federal court on the matters alleged, or to
20 challenge this Consent Agreement in its entirety as issued by the Board, and waives any other
21 cause of action related thereto or arising from this Consent Agreement.

22 3. This Consent Agreement shall become effective when approved by the Board and
23 signed by the Executive Director.

24 4. Respondent admits to the Findings of Fact and Conclusions of Law contained in this
25 Consent Agreement
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2 5. This Consent Agreement, or any part thereof, may be considered in any future
3 disciplinary action against Respondent.

4 6. This Consent Agreement does not constitute a dismissal or resolution of other matters
5 currently pending before the Board, if any, and does not constitute any waiver, express or
6 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent
7 Agreement does not preclude any other agency, subdivision or officer of the State from
8 instituting other civil or criminal proceedings with respect to the conduct that is the subject of
9 this Consent Agreement.
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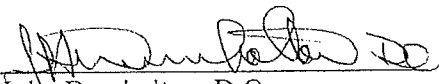
11 7. All admissions made by Respondent are solely for the final disposition of this matter
12 and any subsequent administrative proceedings or litigation involving the Board, Respondent
13 and the State of Arizona; and, therefore, said admissions by Respondent are not intended for
14 any other purpose or administrative regulatory proceeding or litigation in another state or
15 federal court.

16 8. Upon signing this agreement and returning this document (or a copy thereof) to the
17 Board's Executive Director, Respondent may not revoke the acceptance of the Consent
18 Agreement. Respondent may not make any modifications to the document. Any modifications
19 to the original document are ineffective and void unless mutually approved by the parties.
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21 9. If the Board does not adopt this Consent Agreement, Respondent will not assert as a
22 defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice,
23 prejudgment or other similar defense.
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1 10. This Consent Agreement, once approved and signed, is a public record that will be
2 publicly disseminated as a formal action of the Board and will be reported to the National
3 Practitioner Databank and on the Board's website.

4 11. If any part of this Consent Agreement is later declared void or otherwise
5 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and
6 effect.
7

8 
9 John Dumbolton, D.O.

Dated: 2-28-17

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11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of the
13 practice of osteopathic medicine in the State of Arizona. Respondent is the holder of License
14 No. 3568 for the practice of osteopathic medicine in the state of Arizona.

15 2. In November 2014, the Arizona Board of Osteopathic Examiners in Medicine and
16 Surgery received notice of an action taken by the North Dakota Medical Board ("NDMB")
17 against Respondent as a result of his emergency treatment of a patient who presented after
18 several days of alcohol consumption. The NDMB alleged that Respondent's care of the patient
19 was substandard and grossly negligent, in that Respondent failed to properly monitor the
20 patient and failed to recognize the need to transfer the patient to an institution adequately
21 equipped to provide the appropriate level of care. The patient expired while in Respondent's
22 care.
23

24 3. On September 14, 2014, Respondent entered into a voluntary stipulation with the
25 NDMB which placed his North Dakota license on a three year stayed suspension and required
26

1 him to complete a competence assessment course at the Center for Personalized Education for
2 Physicians ("CPEP") and to comply with any and all recommendations made by CPEP.

3 4. Respondent completed the CPEP assessment in December 2015. The CPEP
4 assessment report found Respondent demonstrated overall poor knowledge of the emergency
5 medicine topics discussed, with pronounced deficiencies in areas of high mortality and
6 morbidity, including cardiology and infectious disease. Based on a review of Respondent's
7 patient charts, his clinical judgment and reasoning were found to be inadequate with overall
8 poor patient care and his documentation was also found to be inadequate. CPEP recommended
9 that Respondent undergo retraining in a residency or residency-like" setting and did not believe
10 he demonstrated the ability to remain in independent practice while attempting to remediate his
11 clinical skills.
12

13 5. Based on the results of the CPEP assessment, Respondent and the NDMB entered
14 into a stipulated order on April 20, 2016 which suspended Respondent's North Dakota license
15 until such time as he successfully completes retraining in a residency or residency-like setting.
16

17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.
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21 2. The conduct described in the above Findings of Fact constitutes unprofessional
22 conduct as defined in A.R.S. §32-1854 (18) and (38) and is grounds for disciplinary action
23 pursuant to A.R.S. § 32-1855.
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ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice osteopathic medicine, No. 3568, is **RESTRICTED**. Respondent shall not practice medicine of any kind, including any medicine involving direct or indirect patient care, except that Respondent may continue to provide disability and pension evaluations and physicals but is prohibited from prescribing any form of treatment or medications, until Respondent applies to the Board and receives permission to do so as set forth below. The restriction of Respondent's license is effective upon signature of this Order by the Board's Executive Director.

2. The restriction of Respondent's license shall continue until such time as the Board determines, in its sole discretion, that Respondent may safely resume the practice of medicine. Upon a finding that Respondent may safely resume practice in the State of Arizona, the Board may terminate or modify the license restriction and/or place other practice restrictions on Respondent, as deemed necessary after notice and an opportunity for hearing.

3. Failure to abide by this Consent Agreement and Order constitutes unprofessional conduct and may result in the suspension or revocation of Respondent's license.

DATED AND EFFECTIVE this 2nd day of March, 2017.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY



By: Jenna Jones
Executive Director

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2 Original of the foregoing filed
3 this 2nd day of March, 2017, with:

4 Arizona Board of Osteopathic Examiners
5 9535 E. Doubletree Ranch Road
6 Scottsdale, AZ 85258-5539

6 Copy of the foregoing mailed U.S.
7 Certified Mail this 2nd day of March 2017 to:

8 Brendan Murphy, Esq.
9 Hendricks Murphy
3101 N. Central Avenue, Ste. 970
10 Phoenix, AZ 85012

11 Copy of the foregoing mailed U.S.
12 regular mail this 2nd day of March 2017 to:

13 Jeanne Galvin
14 Asst. Attorney General
Arizona Attorney General's Office
15 1275 W. Washington
Phoenix, Arizona 85007
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